

Illinois Independent Telephone Association)	
)	
Petition for initiation of an investigation of the)	
necessity of and the establishment of a)	Docket No. 00-0233
Universal Service Support fund in)	
accordance with Section 13-301(d) of)	
The Public Utilities Act.)	Cons.
)	
Illinois Commerce Commission)	
On Its Own Motion)	
)	Docket No. 00-0335
Investigation into the necessity of and,)	
if appropriate, the establishment of an universal)	
support fund pursuant to Section 13-301(d))	
of the Public Utilities Act.)	

MOTION TO STRIKE

NOW COMES, Harrisonville Telephone Company, by its attorneys, and respectfully requests that the Commission strike the Petition for Rehearing and/or Clarification filed herein by AT&T Communications of Illinois, Inc., or certain portions thereof, and in support thereof states as follows:

1. AT&T Communications of Illinois, Inc ("AT&T") filed its Petition for Rehearing and/or Clarification ("Petition") herein on October 18, 2001. The Petition includes as Attachment 1 a spreadsheet that purports to show AT&T's calculation of its proposed fund size and its proposed funding for each individual small company in the State. AT&T's fund size and individual company funding calculations in Attachment 1 to its Petition are based in part on primary/secondary line count data that is not in the evidentiary record, as admitted by AT&T in footnote 1 on page 3 of its Petition.

2. Since AT&T's Petition alleges new facts (not previously introduced in the evidence record), Section 200.880(c) of the Commission's Rules of Practice, 83 Ill.Admin.Code 200.880(c), required that the Petition be filed with a verification. Section 200.880(c) provides as follows:

- c) If an application for rehearing alleges new facts, then the application **must be filed with a verification.** A verification need not be filed with an application for rehearing if the application does not allege new facts.

3. AT&T's Petition was not filed with a verification as required by Section 200.880(c), and therefore, AT&T's Petition must be stricken in its entirety. If AT&T had not alleged new facts, its Petition would have been properly filed without a verification, however since it did allege new facts (which it admits are not in the record) Section 200.880 clearly required a verification. Absent the verification, the Petition was not properly filed and must be stricken in its entirety.

4. In the alternative, portions of AT&T's Petition must be stricken, including Attachment 1 to AT&T's Petition and all references in the Petition to Attachment 1 or the proposed fund size and individual small company funding shown on Attachment 1. Specifically, in addition to Attachment 1, the following portions of the text of the Petition must be stricken: (1) the last sentence of footnote 1 on page 3, (2) footnote 3 on page 4, (3) the first full paragraph on page 9, and (4) footnote 4 on page 9.

5. The Commission cannot consider the merits of AT&T's Petition due to AT&T's failure to follow the Commission's rules and properly file an application for rehearing.

WHEREFORE, Harrisonville Telephone Company respectfully request that the Commission strike the Petition for Rehearing and/or Clarification filed by AT&T Communications of Illinois, Inc., or certain portions thereof, including Attachment 1 thereto and all references in the Petition to Attachment 1 and the proposed fund size and individual small company funding shown on Attachment 1.

Respectfully submitted,

HARRISONVILLE TELEPHONE COMPANY

By: _____



One of Its Attorney

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STATE OF ILLINOIS)
 : SS
COUNTY OF SANGAMON)

The undersigned, TROY A. FODOR, being first duly sworn on oath, deposes and states that he is one of the Attorneys for Harrisonville Telephone Company that he has read the foregoing instrument and that the contents thereof are true and correct to the best of his information and belief.



Troy A. Fodor

SUBSCRIBED and sworn to before me
this 24th day of October, 2001.


Notary Public



CERTIFICATE OF SERVICE

00-0233/00-0335

The undersigned, TROY A. FODOR, hereby certifies that on the 24th day of October, 2001, he served a copy of the foregoing instrument by personally delivering a copy thereof and/or mailing a copy thereof by electronic mail and/or United States Mail, postage prepaid, at Springfield, Illinois, to the individuals named on the attached Service List in envelopes plainly addressed to each of them.

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